

**RESOLUTION NO. 11-120**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A RELEASE OF UNITY OF TITLE CONCERNING NORTH 10 FEET OF LOT 8 AND ALL OF LOT 9, BLOCK 1 AND LOT 10, BLOCK 1, WEST BUENA VISTA, AS RECORDED IN PLAT BOOK 7, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. **PROPERTIES LOCATED AT 841 AND 851 S.E. 8 COURT, HIALEAH, FLORIDA.**

**WHEREAS**, the property owner. Carlos Martinez, entered into a Unity of Title agreement dated March 23, 2011, which was recorded in Official Records Book 27629, at pages 1484-1486, of the Public Records of Miami-Dade County, Florida, under Clerk's File No. 2011R0191344, covering properties located at 841 and 851 S.E. 8 Court, Hialeah, Florida, bearing the following legal descriptions:

NORTH 100 FEET OF LOT 8 AND ALL OF LOT 9, BLOCK 1, WEST BUENA VISTA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA also known as 851 S.E. 8 Court, Hialeah, Florida.

And

LOT 10, BLOCK 1, WEST BUENA VISTA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA also known as 841 S.E. 8 Court, Hialeah, Florida.

**WHEREAS**, the property owner signed the Unity of Title to develop the properties as one site for a day care facility; and

**WHEREAS**, the property owner requests a release for purposes of refinancing one of the parcels and prior to completion of construction and development of the site, the property owner will enter into a new Unity of Title.

**WHEREAS**, the release of the Unity of Title can be approved accordingly because it is temporary in nature and only necessitated by virtue of a requirement of a bank loan.

**WHEREAS**, the Planning Division has no objection to the release of the Unity of Title dated March 23, 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The recitals and findings contained in the preamble to this resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this section.

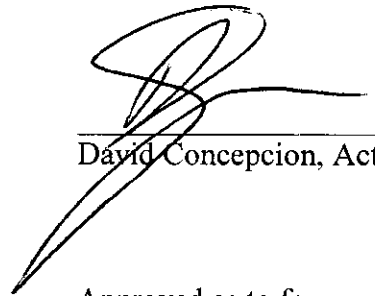
**Section 2:** The above-described Release of Unity of Title is hereby approved and ratified.

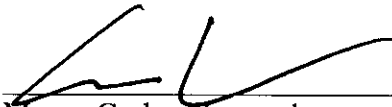
PASSED AND ADOPTED this 8th day of November, 2011.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 17 day of Nov, 2011.

  
\_\_\_\_\_  
David Concepcion, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Resolution was adopted by a 6-1 vote, with Councilmembers Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, Yedra voting "Yes", Councilmember Casals-Muñoz voting "No".

October 24, 2011

David Concepcion  
Acting City Clerk  
501 Palm Avenue  
Hialeah, Florida

Dear Mr. Concepcion:

I request a release of a Unity of Title for properties located at 841 SE 8 Court and 851 SE 8 Court wherein I plan to operate a day care facility. Construction has not commenced. This release is only temporary because I need to refinance one of the parcels. After refinancing and prior to completion of construction, I will enter into a new Unity of Title. This was a requirement of the financing institution for the approval of the loan.

Sincerely yours,

  
Carlos Martinez



CFN 2011R0191344  
OR Bk 27629 Pgs 1484 - 1486 (3pgs)  
RECORDED 03/25/2011 09:55:04  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Prepared by and Return to:  
City of Hialeah  
Planning Division  
501 Palm Avenue, Second Floor  
Hialeah, FL 33010

**Declarations of Restrictions  
and Unity of Title  
(Individual)**

This Declaration of Restrictions and Unity of Title ("Unity of Title") executed  
23<sup>rd</sup> day of March, 2011 by Carlos A. Martinez  
("Owner(s)).

**WITNESSETH:**

**WHEREAS**, the undersigned Carlos A. Martinez,  
an individual owner, is the fee simple owner of the following described  
Property located in the City of Hialeah, Florida:

Lot 10, Block 1, West Buena Vista, according to the plat thereof, as recorded in Plat Book 7,  
Page 6, of the Public Records of Miami-Dade County, Florida (841 SE 8 Court, Hialeah, Florida)  
along with The North 10 feet of Lot 8, and all of Lot 9, Block 1, West Buena Vista, according to  
the plat thereof, as recorded in Plat Book 7, Page 6, of the Public Records of Miami-Dade  
County, Florida (851 SE 8 Court, Hialeah, Florida).

**WHEREAS**, the undersigned owner of this property desires to utilize said lots or parcels  
as a single building site for the following reasons: To accommodate the 3 daycare buildings on  
the two lots as one site.

**NOW, THEREFORE**, for good and valuable consideration, the undersigned owners(s)  
hereby covenant(s) and agree(s) as follows: To comply with the Building Code, Permit No.  
M2011004444, for a Day Care for Children.

1. Each and all of the foregoing recitations are true and correct and are incorporated herein by  
this reference and made a part hereof for all purposes.
2. The above-described lots and parcels will not be conveyed, mortgaged, or leased separate or  
apart from each other and that they will be held together as one tract.
3. This covenant is intended and shall constitute a restrictive covenant concerning the use,  
enjoyment, and title to the above-described property and shall constitute a covenant running  
with the land and may be recorded in the Public Records of Miami-Dade County, Florida.  
This covenant shall remain in full forces and effect and shall be binding upon the  
undersigned, its (their) heirs, successors and assigns until such time as the same is modified,  
amended or released and may only be modified, amended or released by a written instrument  
executed by the then owner having fee simple title to the property affected or to be affected  
by such modification, amendment, or release; provided, however, the same is also approved



**Declarations of Restrictions and Unity of Title**  
**(Individual)**

by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in the Hialeah Charter.

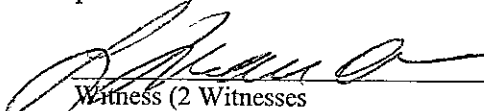
4. The undersigned agrees that it will not convey, transfer, assign or otherwise dispose of the property, or any interest therein, without requiring the successor in right, title or interest to abide by the terms and conditions of this Unity of Title.
5. The use of the property shall be in compliance with all ordinances, regulations, codes, and charter of the City of Hialeah and applicable state and federal law and laws and regulations of Miami-Dade County, Florida.

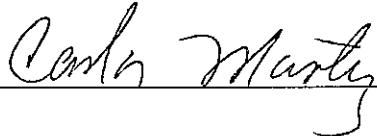
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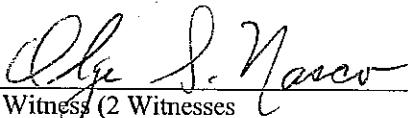
**Declarations of Restrictions and Unity of Title  
(Individual)**

IN WITNESS WHEREOF, (I) we have hereunto set out hands and seals at  
501 Palm Avenue, this 23 day of March, 2011.  
(location)

Signed, sealed and delivered in the  
presence of:

  
Witness (2 Witnesses  
required)  
Typed/Printed Name Lissette Franco

  
Owner  
Typed/Printed Name Carlos A. Martinez



Witness:  
Typed/Printed Name \_\_\_\_\_  
  
Witness (2 Witnesses  
required)  
Typed/Printed Name Olga S. Nasco

Co-Owner  
Typed/Printed Name \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this 23 day of March, 2011, before me, an officer duly  
authorized in the State of Florida and in County of Miami-Dade, to take acknowledgments, personally  
appeared Carlos A. Martinez and N/A To me known to be the  
person(s) described herein and who executed the foregoing instrument, and he/she/they acknowledged before  
me, under oath, that he/she/they executed same.

WITNESS my hand and official seal this 23 day of March, 2011.

  
Notary Public, State of Florida  
  
BONDED THRU ATLANTIC BONDING CO., INC.  
(Name of Notary Public: Print, Stamp, or Type  
as Commissioned)

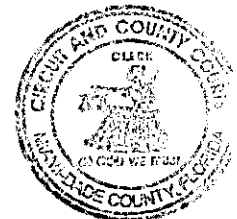
☐ Personally known to me, or  
☒ Produced identification:

FDL# M635-101-72-057-0 EXP: 2/17/12  
Identification produced:

☐ Did take an oath  
☐ Did NOT take an oath

S:\WMG\contracts\PLANNING AND ZONING FORMS\Declarations of Restrictions\_UT\_individual - Revised 01-17-07.doc

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on MAR 25 2011 day of \_\_\_\_\_, A.D. 20\_\_\_\_  
WITNESS my hand and Official Seal.  
HARVEY RUWIN, CLERK of Circuit and County Courts  
By Palacio D.C.

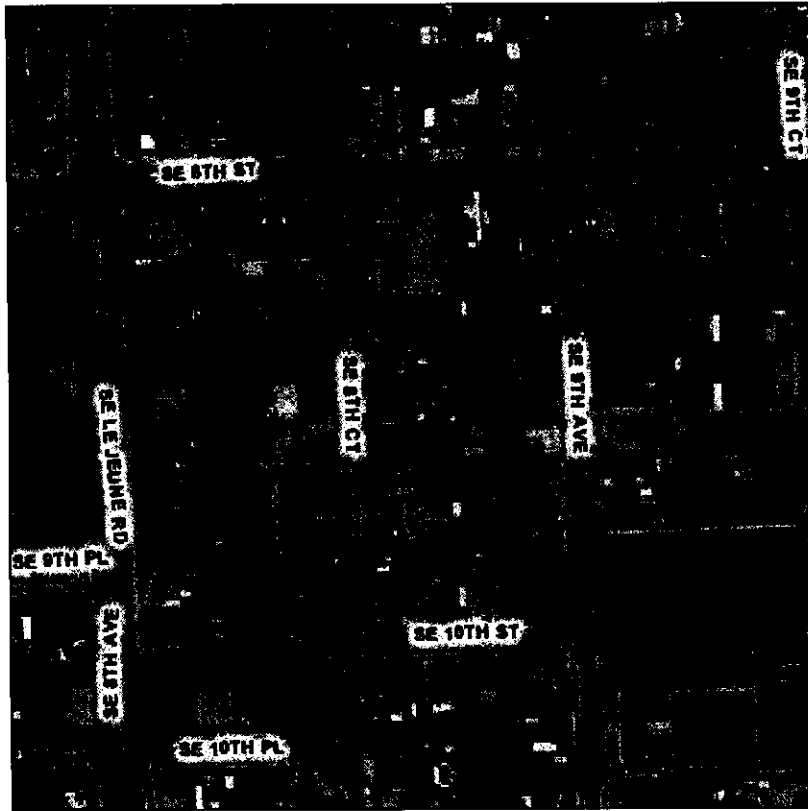


**My Home**  
Miami-Dade County, Florida

**miamidade.gov**

**MIAMI-DADE**

**Property Information Map**



Aerial Photography - 2009

0 114 ft

This map was created on 10/20/2011 10:37:25 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



**Close**

**Summary Details:**

Folio No.:	04-3120-010-0040
Property:	841 SE 8 CT
Mailing Address:	CARLOS A MARTINEZ 4445 E 4 AVE HIALEAH FL 33013-

**Property Information:**

Primary Zone:	4300 MULTI-FAMILY, TWO STORY
CLUC:	0002 MULTIFAMILY 2 LIVING UNITS
Beds/Baths:	4/2
Floors:	1
Living Units:	2
Adj Sq Footage:	1,943
Lot Size:	7,100 SQ FT
Year Built:	1947
Legal Description:	WEST BUENA VISTA PB 7-6 LOT 10 BLK 1 LOT SIZE 50.000 X 142 OR 19627-4058 0401 1 COC 25956-2428 08 2007 1 OR 27345-4642 0610 12

**Assessment Information:**

Year:	2011	2010
Land Value:	\$68,081	\$56,800
Building Value:	\$88,028	\$74,100
Market Value:	\$156,109	\$130,900
Assessed Value:	\$156,109	\$130,900

**Taxable Value Information:**

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$0/\$156,109	\$0/\$130,900
County:	\$0/\$156,109	\$0/\$130,900
City:	\$0/\$156,109	\$0/\$130,900
School Board:	\$0/\$156,109	\$0/\$130,900

**Sale Information:**

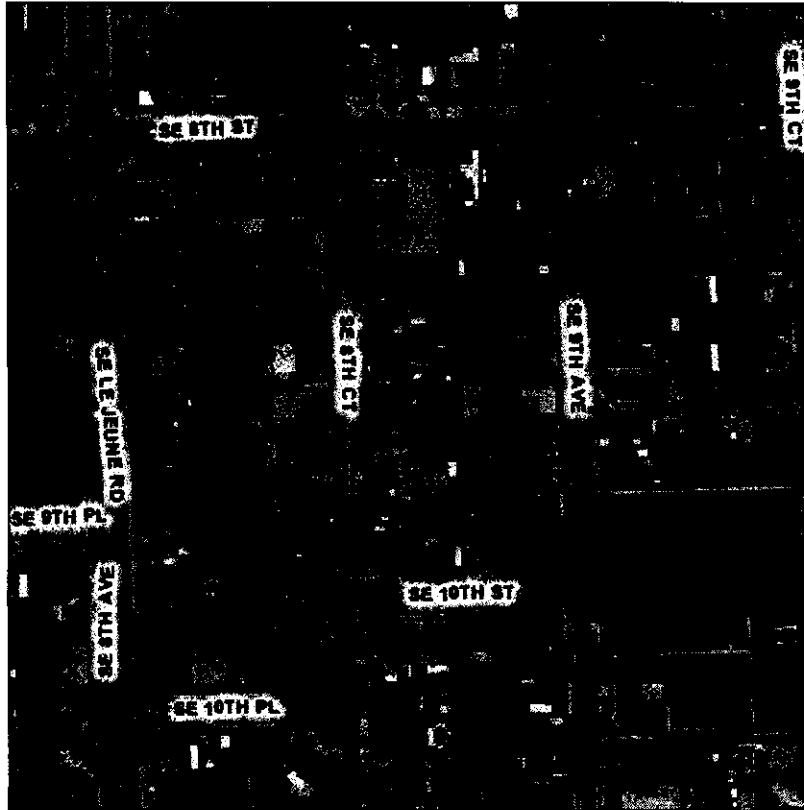
Sale Date:	6/2010
Sale Amount:	\$71,000
Sale O/R:	27345-4642
Sales Qualification Description:	Deeds to or from financial institutions
<a href="#">View Additional Sales</a>	

**My Home**  
Miami-Dade County, Florida

**miamidade.gov**

**MIAMI-DADE**

**Property Information Map**



Aerial Photography - 2009

0 114 ft

This map was created on 10/20/2011 10:38:26 AM for reference purposes only.

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**Close**

**Summary Details:**

Folio No.:	04-3120-010-0031
Property:	851 SE 8 CT
Mailing Address:	CARLOS A MARTINEZ 4445 E 4 AVE HIALEAH FL 33013-1807

**Property Information:**

Primary Zone:	0100 SINGLE FAMILY RESIDENCE
CLUC:	0002 MULTIFAMILY 2 LIVING UNITS
Beds/Baths:	3/2
Floors:	1
Living Units:	2
Adj Sq Footage:	1,715
Lot Size:	8,520 SQ FT
Year Built:	1940
Legal Description:	WEST BUENA VISTA PB 7-6 N10FT OF LOT 8 & ALL LOT 9 BLK 1 LOT SIZE 60.000 X 142 OR 17945-1754 0198 4 COC 24749-0214 07 2006 5

**Assessment Information:**

Year:	2011	2010
Land Value:	\$53,009	\$70,471
Building Value:	\$33,769	\$17,150
Market Value:	\$86,778	\$87,621
Assessed Value:	\$86,778	\$87,621

**Taxable Value Information:**

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$0/\$86,778	\$0/\$87,621
County:	\$0/\$86,778	\$0/\$87,621
City:	\$0/\$86,778	\$0/\$87,621
School Board:	\$0/\$86,778	\$0/\$87,621

**Sale Information:**

Sale Date:	7/2006
Sale Amount:	\$0
Sale O/R:	24749-0214
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed
<a href="#">View Additional Sales</a>	



Document prepared by and  
return to:

City of Hialeah, Florida  
Law Department  
501 Palm Avenue, 4<sup>th</sup> Floor  
Hialeah, Florida 33010  
(305)883-5854

### **RELEASE OF UNITY OF TITLE**

This release of Unity of Title dated March 23, 2011 made at 501 Palm Avenue, Hialeah, Florida 33010, this \_\_\_\_ day of November 2011, by the City of Hialeah, Florida, a Florida municipal corporation.

**WHEREAS**, the then property owner entered into a Unity of Title dated March 23, 2011, unifying the North 100 feet of Lot 8 and All of Lot 9, and Lot 10, Block 1, West Buena Vista, according to the plat thereof, as recorded in Plat Book 7, page 6, of the Miami-Dade Public Records, to be considered as one plot or parcel of land for the construction and development of a new day care facility on the properties located at 841 and 851 S.E. 8 Court, Hialeah, Florida; and

**WHEREAS**, the property owner requests the release this Unity of Title for purposes of refinancing one of the parcels and prior to completion of construction and final development of the site, the property owner will enter into a new Unity of Title.

**NOW, THEREFORE**, the City of Hialeah, Florida releasing the Unity of Title covering, Hialeah, Florida, the City hereby releases, cancels and rescinds the Unity of Title dated March 23, 2011 as recorded in Official Records Book 27629, pages 1484-

1486, of the Miami-Dade County Public Records under Clerk's File No. 2011R0191344, covering 841 and 851 S.E. 8 Court, Hialeah, Florida bearing the following legal description:

NORTH 100 FEET OF LOT 8 AND ALL OF LOT 9, BLOCK 1, WEST BUENA VISTA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA also known as 851 S.E. 8 Court, Hialeah, Florida.

And

LOT 10, BLOCK 1, WEST BUENA VISTA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA also known as 841 S.E. 8 Court, Hialeah, Florida.

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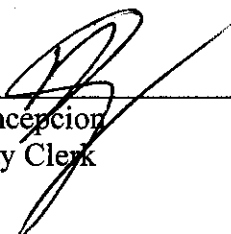
IN WITNESS WHEREOF, the City of Hialeah has caused this instrument to be executed by the respective officials thereunto duly authorized this day and year first-above written.

City of Hialeah, Florida  
501 Palm Avenue/P.O. Box 11-0040  
Hialeah, Florida 33011-0040

Signed, sealed and delivered  
in the presence of:

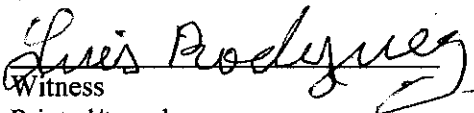
Authorized signature on behalf of  
the City of Hialeah, Florida


Attest:

  
David Concepcion  
Acting City Clerk

 11/28  
Mayor Carlos Hernandez Date

(SEAL)

  
Witness  
Printed/typed name: \_\_\_\_\_

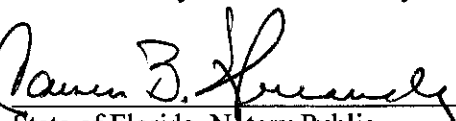
  
Witness  
Printed/typed name: Salvatore DeVito

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

State of Florida  
County of Miami-Dade

The foregoing instrument was acknowledged before me this 1st day of December, 2011 by Mayor Carlos Hernandez of the City of Hialeah, a Florida municipal corporation, and attested by David Concepcion, Acting City Clerk, on behalf of the City of Hialeah. They are personally known to me and did take an oath.

  
State of Florida, Notary Public  
Typed/printed name: Carmen B. Hernandez  
My Commission number: \_\_\_\_\_

